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Human Rights Committee

Concluding observations on the fourth periodic report of Jamaica

Addendum

Information received from Jamaica on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Introduction

1. The report is being submitted in response to the recommendations contained in paragraphs 26 (voluntary termination of pregnancy), 32 (prohibition of torture and other cruel, inhuman or degrading treatment or punishment) and 44 (rights of the child), of the Concluding Observations of the Human Rights Committee, following Jamaica's Fourth Review in October 2016 under the International Covenant on Civil and Political Rights. The report provides an overview of developments in the areas of sexual and reproductive health, rights of the child and conditions of detention in Jamaica and serves to highlight those recommendations on which significant progress has been made since October 2016.

Paragraph 26: voluntary termination of pregnancy

Recommendation: The State party should, as a matter of priority, amend its abortion legislation to help women address unplanned pregnancies and not resort to illegal abortions that could put their lives at risk. It should take measures to protect women against the health risks associated with unsafe abortions by improving its monitoring and data collection on women's access to health care and by enabling access to sexual and reproductive health information and services to all women, including girls under the age of 16.

Access to Sexual and Reproductive Health Services and Information

2. During the review period, the Women's Centre of Jamaica Foundation (WCJF), a Government agency, strengthened the sexual and reproductive health support services provided to teen mothers through the opening of an Adolescent Resource Centre (ARC) in October 2016. ARC will facilitate access by teens to services in a confidential and hospitable environment. These services include individual and group counselling on contraceptive methods, screening and referrals for sexually transmitted infections (STI) and human immunodeficiency virus (HIV), mental health services to screen and treat for post-partum depression, counselling for victims of gender-based violence, and access to gynaecologists and midwives.

3. Jamaica has been selected to pilot the Caribbean initiative, Caribbean Woman and Child (CARIWAC). CARIWAC is based on the Every Woman, Every Child movement launched by former UN Secretary-General Ban Ki-moon in 2010. The Jamaican pilot, which is being supported by UNFPA, aims to reduce the incidence of teenage pregnancy, cervical cancer, and gender-based violence, and eliminate mother- to-child transmission of HIV and Syphilis (MTCT) across four health regions in Jamaica. The Government of Jamaica is in the process of securing funding to finance the various aspects of the pilot project. The initiative is being championed by Most Honourable Juliet Holness, the wife of Jamaica's Prime Minister, which reflects Jamaica's commitment, at the highest level, to support women and girls.

4. The National Family Planning Board (NFPB), with funding from the UN Women Fund for Gender Equality (FGE), has been implementing the Gender Empowerment Project, which is designed to improve sexual and reproductive health of adolescent girls and young women through empowerment and reduction of gender inequalities. The project was implemented in several communities across the island. A total of 208 women ages 15 to 24 participated in the programme. Analysis of pre- and post-test results showed improvement in areas such as self-perception, knowledge of contraceptive methods, HIV prevention, gender norms, stigma and discrimination and attitudes towards parenting.

5. The National Family Planning Board also continued its Hold-On-Hold-Off Programme, which addresses issues of self-awareness, and informed decision-making regarding sexual and reproductive health and lifestyle. The Hold-On-Hold-Off Programme intervention targets grade 7–9 students and lasts for a period of five months each year. In 2016, the intervention was implemented in two schools (Interactions were had with

approximately 1,050 students within the age cohort of 13–16 years. The results of pre- and post-tests indicated an increase in students' knowledge of HIV/AIDS, STIs and pregnancy.

6. The Government of Jamaica also continued to implement its Health and Family Life curriculum, including the module on Sexuality and Sexual Health, which explores a wide range of issues related to sexual and reproductive health, with the objective of allowing students to make informed choices regarding their sexual health and behaviour. Information about contraceptives is included at the secondary level, while abstinence is also a key message throughout the document. The issue of teenage pregnancy is also featured in the module.

7. The National Family Planning Board conducted four (4) one-day workshops in the parish of Westmoreland, reaching 116 youth in the 19–27 age group. The overall goal of the weekly workshops was to build the capacity of the young people on practical applications of addressing their sexual and reproductive health issues for improved decision making and better management of their health. The initiative was aimed at changing attitudes and behaviour to improve sexual lifestyle by preventing unwanted pregnancy, abortion, STIs, including HIVAIDS and other SRH problems by empowering the youth to learn from each other. The objectives were achieved through lectures, practical demonstrations, group exercises, discussions and field excursions.

8. A workshop was also conducted with 19 Guidance Counsellors across the island representing the Women's Centre of Jamaica Foundation. The objectives of the workshop were for Guidance Counsellors:

(a) To become more knowledgeable and comfortable with topics of adolescent sexuality and reproductive health;

(b) To become familiar with psychodynamic principles of counselling for behaviour change; and

(c) To learn and practice communication skills for counselling with a special emphasis on listening.

Paragraph 32: prohibition of torture and other cruel, inhuman or degrading treatment or punishment

Recommendation: The State party should expedite its efforts to reduce overcrowding in places of detention, including by resorting to alternatives to imprisonment, and improve conditions of detention, particularly with regard to sanitary conditions and access to medical care, in accordance with article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules) (General Assembly resolution 70/175, annex). The State party should adopt legislation governing pre-trial detention and put in place a system to detain accused persons separately from convicted persons.

Measures to address over-crowding

9. Tower Street Adult Correctional Centre (T.S.A.C.C.) and St. Catherine Adult Correctional Centre (ST.C.A.C.C) are the two male reception facilities for convicted offenders. They are administered by the Department of Correctional Services. Each has a capacity of 850 inmates. As at September 30, 2017 the population at the institutions was as follows:

Name of Correctional Centre	*Capacity*	*Population at 30/9/17*	*Above/below capacity*
T.S.A.C.C.	850	1486	(Above) 636
ST.C.A.C.C.	850	844	(Below) 6

10. While T.S.A.C.C. remains overcrowded, there has been a significant reduction in the population at ST.C.A.C.C from more than 1000 two years ago to just under the capacity of

the facility, which is attributable to the focused efforts of the Government to address the situation and improve detention conditions in line with international standards. The Government of Jamaica, through the Department of Correction Services, continues to undertake additional steps to reduce overcrowding in prisons as under:

(i) Increased number of reclassification exercises undertaken whereby medium to low risk inmates from T.S.A.C.C. and ST.C.A.C.C. are transferred to other institutions; and

(ii) A new block is being constructed at Tamarind Farm Adult Correctional Centre, which generally houses low-risk inmates. The new block, which is scheduled to open in March 2018, will accommodate an additional 304 inmates. This will help to further reduce the population at ST.C.A.C.C. and T.S.A.C.C.

11. Within the Jamaica Constabulary Force (JCF), efforts are also ongoing to address the overcrowding in police lock-ups. Strategies employed to manage overcrowding are contained in the JCF Lockup Administration Policy & Procedures. These strategies include:

(i) Relocating inmates in overcrowded facilities to other locations in adjoining jurisdictions;

(ii) Maintaining a programme where relatives/next of kin of inmates for whom bail has been offered are contacted so that they can assist them in taking up this offer;

(iii) Issuing summons and tickets for minor offences in order to avoid unnecessary detention; and

(iv) Where possible, issuing Station Bail to individuals charged with minor offences and whose character would not require someone to stand surety or otherwise guarantee their attendance in court.

12. Commanding Officers routinely apply these interventions across divisions to manage overcrowding in the lockups under their care. Additionally, the JCF utilises the Department of Correctional Service's Horizon Adult Remand Centre (H.A.R.C) to house some inmates, which further contributes to reducing overcrowding in some police lockups.

13. The table below depicts three major police lockup facilities that have benefitted from the strategy discussed above.

Date	*Name of Facility*	*Gazetted Capacity*	*Number Before Transfer*	*Number After Transfer*
August 2017	Hunts Bay	28	66	49
October 2017	Portmore	65	110	76
September 2017	Denham Town	30	40	28

14. Furthermore, the Detention and Courts Division in collaboration with the Services Branch of the JCF started the process of standardising detention facilities to be compliant with international standards on population and safety requirements. The Freeport Lockup, for example, is being refurbished in accordance with international best practices, to improve the general quality of life of the inmates and minimise the risk of escape. This facility is designed to accommodate 200 inmates and is scheduled to be completed before 31 December 2017.

Treatment upon Detention

15. The JCF consistently takes steps to ensure that members are properly trained in respect to procedures of arrest or detention. It is of utmost importance to law enforcement practitioners, and the proper administration of justice more broadly, to ensure that every effort is made to protect the rights of all citizens, whether they are victims, potential victims or being arrested and even more importantly, that they are informed of these rights.

16. Furthermore, through continued collaboration with international partners, significant progress has been made in the effort to increase training in less lethal techniques. From

November 2016 to present, a total of 1,561 JCF members have been trained and certified in these techniques. This is an ongoing effort and has increased the number options available to officers on the front line when responding to incidents and possible confrontations. Additionally, for the period February 2016 to September 2017, a total of 1,149 recruits and 514 in-service officers were trained in Judges Rules, which includes proper procedures for detaining persons, as well as how statements are taken.

Services to Inmates

17. All inmates and children in facilities operated by the Department of Correctional Services (DCS), have access to medical, psychiatric and psychological services within the institutions, except for one institution where the psychiatric service is accessed at the public hospital in the parish (St. Ann).The service is delivered through a team of health professionals supported by a cadre of Correctional Officers trained to deliver certain services, including but not limited to, first aid, first response, phlebotomy, and psychiatric nursing aid etc. Efforts are currently being made to increase the number of medical professionals available, including nurses, pharmacists, psychologists and psychiatrists.

Paragraph 44: rights of the child

Recommendation: The State party should amend its law in a timely manner in order to remove the possibility of incarcerating a child on the basis of him or her being "beyond parental control" and to address gaps in: service delivery to children in conflict with the law, the coordination and oversight of the child protection sector, support to families and rehabilitation of children who experienced exploitation, abuse and other trauma. The State party should detain children only as a last resort and for the shortest possible period provided by law; continue establishing child-friendly holding cells; and provide alternative arrangements to detention, in line with the Covenant. It should continue to provide children in conflict with law with alternative support, including psychological and rehabilitation services and conflict resolution programmes.

Children Incarcerated for Uncontrollable Behaviour

18. In May 2017, a Joint Select Committee of Parliament resumed the review of the Child Care and Protection Act (CCPA), with members of various civil society and interest groups invited to make contributions to the process. The proposed amendments from this consultation process are currently being compiled. When complete, the revised CCPA is expected to remove the possibility of incarcerating children with behavioural problems, allow for increased support for families with children who experienced exploitation, abuse and trauma and ensure the shortest possible period of detention of children in police stations.

19. The incarceration of children for uncontrollable behaviour is used only as a measure of last resort where children have displayed anti-social, violent or pre-offending behaviours. As at end of September 2017, the population of children being held in detention for uncontrollable behaviour was four (4).

Alternative Support for Children in Conflict with the Law

20. Since October 2016, efforts have continued in the juvenile detention system to ensure that programs are now more structured than in the past, while greater emphasis is being placed on the needs of the child and individual care/treatment plans. Furthermore, an additional programme has been put in place and an existing one expanded to enhance and accelerate the rehabilitation of juvenile offenders. The new or expanded programmes are detailed in paragraphs 20–22 below.

21. 'A New Path' is a programme that was implemented in two juvenile facilities (South Camp Juvenile Correctional and Remand and Metcalfe Juvenile Correctional Centres) in 2015. In the first quarter of 2017, the project was expanded, and has now been extended to the Rio Cobre and Hill Top Juvenile Correctional Centres. The project was designed to

improve the quality and access to reintegration services, to include technical training, job readiness, entrepreneurial and micro-enterprise support, internship/job placement support and psycho-social support to juvenile offenders.

22. The previous phases of the programme saw over 200 children returned to formal education at the secondary and tertiary levels and 280 wards receiving psychosocial support, while others have gained employment and valuable skills training.

23. The 'WE TRANSFORM Youth Empowerment and Reintegration Programme was launched by the Ministry of National Security in June 2017. It aims to transform the lives of youth in the four aforementioned juvenile remand centres through skills training and character development programmes, in order to enable them to become law-abiding citizens, upon re-integration into the wider society. The programme entails practical learning opportunities, mentorship, annual competitions and expositions in art and craft, healthy lifestyle, parent engagement and capacity building of staff. The programme is being developed to absorb the activities of the A New Path programme when it comes to an end in 2019.

Coordination and Oversight of Child Protection System

24. The Child Development Agency (CDA) and the Office of the Children's Registry (OCR) have now been merged to form the Child Protection and Family Services Agency (CPFSA). The merger of these two entities is expected to improve efficiency in processing reports and in the investigation of child abuse cases, by addressing gaps identified in inter-agency communication.

25. The OCR was mandated to collect reports of children who had been abandoned, neglected, physically or sexually abused and in need of care and protection, while the CDA investigated reports of child abuse, abandonment and neglect and ensured that those children received quality State care. The agency also spearheaded public education programmes to prevent child abuse.

26. The Government of Jamaica is also seeking to streamline services within the child protection sector through the Child Case Management System (CCMS). The CCMS allows child protection officers to upload and track cases of children who are registered in the child protection system. So far, it has greatly enhanced efficiency, accountability and record-keeping through the storage of all case files in a central database and facilitating real-time information-sharing among the various child protection entities, such as the CDA, OCR, Office of the Children's Advocate (OCA), Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) and the Ministry of Education, Youth and Information.

Detention of Child Offenders

27. Efforts have been continued to improve the interaction of the Jamaica Constabulary Force with children, including those detained, in accordance with the Child Interaction Policy and Procedures. The Policy provides guidance on interacting with:

(i) Children in conflict with the law;

(ii) Children deemed to be in need of care and protection;

(iii) Children perceived by their parents or guardians as being uncontrollable; and

(iv) Children who are victims and witnesses.

28. The objectives of the Child Interaction Policy and Procedures are to:

(i) Foster a child-friendly environment within the JCF where the sensitive needs and well-being of children are paramount;

(ii) Protect and safeguard the rights of all children;

(iii) Build the capacity of the JCF and its members to support the best interest of children;

(iv) Enable the JCF to protect and treat all children, including those in conflict with the law, in accordance with the Constabulary's legal and ethical obligations and in a manner whereby all parties emerge from the encounter, with dignity and respect;

(v) Strengthen collaboration with governmental and non-governmental agencies, and community groups to foster inter-agency cooperation and coordination to collectively serve the best interest of every child; and

(vi) Facilitate and enhance the protection of the rights of children within the justice system and eliminate any possibility of re-victimisation by the police.

29. Children committed to the care of the Department of Correctional Services continue to be held in separate facilities except in the case of South Camp Juvenile Remand Centre, which houses both remandees and convicted female child offenders. Although both populations exist at South Camp, the remandees are held in separate dorms from convicted children. Both populations however, attend similar rehabilitation, education and skills training programmes.